

ASSEMBLY BILL

No. 1797

Introduced by Assembly Member Harman

January 15, 2002

An act to add Section 87105 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1797, as introduced, Harman. Conflicts of interest: disqualification.

Existing provisions of the Political Reform Act of 1974 prohibit a public official at any level of state or local government from making, participating in making, or attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest, as defined. Existing law also requires specified elected and appointed officers at the state and local level of government to disclose specified financial interests by filing periodic statements of economic interests.

This bill would require a public official and specified office holders who have a financial interest in a decision within the meaning of the Political Reform Act of 1974 to state publicly the specific nature of the conflict of interest, recuse himself or herself from discussing and voting on the matter, and leave the room until after the discussion, vote, and other disposition of the matter is concluded.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the Political Reform Act of 1974, would therefore require a $\frac{2}{3}$ vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87105 is added to the Government
2 Code, to read:

3 87105. A public official and a person who holds an office
4 specified in Section 87200 who has a financial interest in a
5 decision within the meaning of Section 87100 shall, immediately
6 prior to the consideration of the matter, do all of the following:

7 (a) Publicly state the specific nature of the conflict of interest
8 in detail sufficient to be understood by the public.

9 (b) Recuse himself or herself from discussing and voting on the
10 matter.

11 (c) Leave the room until after the discussion, vote, and any
12 other disposition of the matter is concluded.

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

22 SEC. 3. The Legislature finds and declares that the provisions
23 of this act further the purposes of the Political Reform Act of 1974



1 within the meaning of subdivision (a) of Section 81012 of the
2 Government Code.

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